

Client-Matter No. 67782-5001/RFT  
(Former 454692-00003; 187420/US)  
Application No. 10/564,802

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Markus Deutsch, et al.

Int'l Application No.: PCT/AU04/000948  
U.S. Application No. 10/564,802

Int'l Filing Date: July 14, 2004

For: **Sports Training and Testing Methods,  
Apparatus and System**

Examiner: To Be Assigned

Art Unit: To Be Assigned

Confirmation No. 3413

**COMBINED POWER OF ATTORNEY BY ASSIGNEE  
AND SUBMISSION UNDER 37 CFR §§ 3.71 AND 3.73(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

As an officer of **FUSION SPORT INTERNATIONAL PTY LTD** ("Assignee"), an Australian Company, I hereby certify that the undersigned is a representative authorized and empowered to sign on behalf of the assignee, and that to the best of assignee's knowledge and belief it is the assignee of the entire right, title and interest in and to the above-referenced patent application by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application identified above,  
☒ 1. a copy of which is attached; or  
☐ 2. which is recorded in the U.S. Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, a copy of which is attached.

Assignee hereby appoints on its behalf the following patent attorneys to prosecute the patent application identified above and to transact all business in the U.S. Patent and Trademark Office connected therewith:

**Morgan Lewis & Bockius LLP**  
USPTO Customer No. 67374

Pursuant to 37 C.F.R. § 3.71, the assignee hereby states that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventors.

Send all correspondence relating to this matter to:

Richard F. Trecartin, Esq.  
Morgan Lewis & Bockius LLP  
One Market, Spear Street Tower  
San Francisco, California 94105

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Direct all telephone calls to Richard F. Trecartin, 415.442.1255.

The undersigned hereby authorizes its legal representative to complete the caption of this document, including the Application No. and Filing Date.

The undersigned hereby declares that all statements made herein of its own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 28<sup>th</sup> day of March, 2007.

ASSIGNEE:

FUSION SPORT INTERNATIONAL PTY LD

By

Name:

Title:

Address:

[Signature]  
Markus Deutsch  
Director  
4 Parachester St  
Fig Tree Pocket, 4069  
Australia

# DEED OF ASSIGNMENT

THIS ASSIGNMENT made the 9<sup>th</sup> day of July two thousand and four.

**BETWEEN:** **FUSION SPORT PTY LTD**, an Australian Company (ACN 103 526 147), of Level 1, 80 Jepson Street, Toowong, Queensland 4066, Australia (hereinafter called "the Assignor") **OF THE ONE PART**

**AND:** **FUSION SPORT INTERNATIONAL PTY LTD**, an Australian Company (ACN 108 121 295), of Level 1, 80 Jepson Street, Toowong, Queensland 4066, Australia (hereinafter called "the Assignee") **OF THE OTHER PART.**

WHEREAS the Assignor is the beneficial owner of two (2) related inventions, namely:

- (i) a first invention entitled "AUTOMATED SPORTS TRAINING" which is described in the provisional specification which accompanied Patent Application No 2003903621 filed in Australia on 14 July 2003 (the first application) by the Assignor; and
  - (ii) a second invention entitled "SPORTS TRAINING AND TESTING METHODS, APPARATUS AND SYSTEM" which is described in the provisional specification which accompanied Patent Application No 2003905031 filed in Australia on 16 September 2003 (the second application) by the Assignor,
- by virtue of employment of the actual inventors Markus Deutsch and Douglas Moore.

AND WHEREAS the Assignor has agreed to sell, assign, transfer and set over to the Assignee its entire right, title and interest in the said first and second inventions and any Letters Patent which may be granted in Australia together with the right to apply for and obtain corresponding patents in countries outside Australia claiming priority in pursuance of said first and second patent applications.

## NOW THIS INDENTURE WITNESSETH

1. In pursuance of the said agreement and for valuable consideration paid or afforded by the Assignee to the Assignor (the receipt whereof is hereby acknowledged) the Assignor hereby sells, assigns, transfers and sets over to the Assignee its entire right, title and interest in the said invention and any Letters Patent which may be granted in Australia together with the right to apply for and obtain corresponding applications in countries outside Australia claiming priority in pursuance of said first and second patent applications.

2. The Assignor hereby undertakes at the expense of the Assignee to do all acts and execute all documents necessary or desirable for perfecting the title of the Assignee to the first and second inventions and, in the case of default, the assignor hereby appoints the Assignee as its attorney for such purpose.

IN WITNESS WHEREOF the parties hereto have executed these presents and set their hands the day and year above written.

**EXECUTED as a DEED**

EXECUTED by  
**FUSION SPORT PTY LTD**  
in accordance with its Constitution  
in the presence of:

Douglas Moore  
Printed Name of Director

Markus Deutsch  
Printed Name of Director/Secretary

[Signature]  
Director

[Signature]  
Director/Secretary

EXECUTED by  
**FUSION SPORT INTERNATIONAL PTY LTD**  
in accordance with its Constitution  
in the presence of:

Douglas Moore  
Printed Name of Director

Markus Deutsch  
Printed Name of Director/Secretary

[Signature]  
Director

[Signature]  
Director/Secretary

WITNESSED BY: [Signature]  
4/2/04